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### REMARKS

Applicants have amended claims 1, 3-10, 12, 14, 16-20, 22-30, 32, 34-38, and have added new claim 39. Care has been taken to avoid adding new matter. Claims 1-39 are presently pending in the application.

Applicants would like to thank Examiner Chandra Chaudhari for her thorough search and review of the prior-art, her careful consideration and examination of the present application and claims, and her indication that claims 7-15 and 23-33 contain allowable subject matter. In particular, the Examiner stated that claims 7-15 and 23-33 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicants have amended this group of claims to include all of the limitations of the corresponding base claims and any intervening claims, and thus submit that these claims are thus allowable.

The Office Action rejected claims 1-6, 17-18, 20-22 and 36-38 under 35 U.S.C. 102(b) as being anticipated by Otsuki (U.S. Publication No. US2001/0051418), and rejected claims 16, 19 and 35 under 35 U.S.C. 103(a) as being unpatentable over Otsuki and Hsu et al. (U.S. Patent No. 6,251,732). Applicants respectfully traverse these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Thus, for a rejection under 35 U.S.C. 102(e) to be proper, every limitation recited in a claim, which is rejected as being anticipated by a prior-art reference, must be clearly disclosed in that single prior-art reference. In the instant case, Applicants respectfully submit that the cited Otsuki reference does not disclose each and every element that is recited in the rejected claims as amended, and, therefore, the cited Otsuki reference does not anticipate the claims under 35 U.S.C. § 102(e).

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Applying the above standard, Otsuki does not disclose a method of code programming a ROM device comprising, among other things, "forming at least one semi-manufactured ROM device ...; forming a pattern of pre-code openings, the pre-code openings have having widths, measured in a gate width direction, that are greater than widths of gates over which the pre-code openings are formed; (c) forming a pattern of real-code openings ...; and (d) implanting a tuned dosage of ions through intersections of the real-code openings and the pre-code openings," as recited in independent, amended claim 1. In fact, Applicants point out that claim 1 has been amended to include the subject matter of dependent claim 7, which has already been indicated by the Office Action to contain allowable subject matter.

Nor does Otsuki disclose the method of independent, amended claim 21, which is directed to a method of code programming a ROM device, including, among other things, "(a) forming at least one ... device having a plurality of gates with substantially identically designed gate widths; (b) forming ... real-code openings; (c) forming ... pre-code openings therein; and (d) implanting a tuned dosage of ions through intersections of the pre-code openings and the real-code openings, the intersections having substantially identical sizes." This method, in accordance with the present invention, corresponds to Applicants' FIGS. 6a and 6b, which structures and steps are nowhere disclosed by Otsuki.


Moreover, regarding the rejection of claims 16, 19 and 35 under 35 U.S.C. 103(a), Applicants submit that the presently pending claims are not obvious in view of the relied-upon references, taken separately or in combination. In particular, Applicants submit the neither reference, alone or in combination, provides a required suggestion or motivation to render the present claims obvious under 35 U.S.C. § 103. Furthermore, Applicants submit that claims 16, 19 and 35 are allowable at least because of their dependencies upon independent claims 1 and 21.

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In view of the above, Applicants request that the Examiner reconsider and withdraw the present rejections. Applicants submit that the application is now in condition for allowance, and an early indication of same is requested. The Examiner is invited to contact the undersigned with any questions

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Respectfully submitted,



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